

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT CLARKSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL NO.: 1:19CR35
(Judge Kleeh)**

QUIONTE CRAWFORD,

Defendant.

MOTION TO APPOINT COUNSEL

The Defendant Quionte Crawford (“Crawford”), through counsel, L. Richard Walker, First Assistant Federal Public Defender, moves for an order appointing counsel to assist with the preparation of a petition pursuant to 28 U.S.C. § 2255.

On May 30, 2019, Crawford waived his right to a grand jury and consented to an Information which was filed in the Northern District of West Virginia, in Clarksburg. This Information charged Crawford with five counts of enticement of a minor to engage in criminal sexual activity, in violation of 18 U.S.C. § 2422 (b). Each offense carries a minimum of ten years in prison and a maximum penalty of life in prison.

Crawford pleaded guilty to the five felony offenses and this Court imposed five life sentences. This was the least beneficial plea agreement undersigned

counsel has ever seen negotiated in this district. Undersigned was not present at sentencing, but he followed the case on the news. After sentencing, undersigned counsel accepted an appointment to represent Mr. Crawford in connection with a direct appeal before the Court of Appeals for the Fourth Circuit, case number 19-4876.

On April 21, 2020, Mr. Crawford's opening brief and joint appendix were filed with the Fourth Circuit Court of Appeal. The issue presented was whether Mr. Crawford received effective assistance of counsel in connection with his negotiated settlement that resulted in five life sentences.

On May 13, 2020, the Government filed a response. It argued that the record was insufficient to support a claim of ineffective assistance of counsel, which are not normally raised on appeal:

In order for such a claim to be cognizable on appeal, it must appear conclusively from the record of the proceedings that there was ineffective assistance. The appellant bears the burden of meeting the Strickland standard by demonstrating both that his counsel's performance was deficient and that he was prejudiced thereby. Considering the prejudice prong alone, appellant fails to show how the allegedly bad sentencing advice or estimation he received from Defense Counsel was the "but-for" cause of his plea, and that he would otherwise have insisted on a trial. His statements under oath at the plea hearing, as well as other circumstances, show that he had not been made any promises; that he had been informed of the statutory maximum; that he was aware of the District Court's sentencing discretion; and that he understood the uncertainty inherent in the

sentencing process. With—and based upon—this knowledge, he proceeded to enter to his guilty plea anyway. The sentence imposed was, in fact, within the statutory maximum and within the discretion of the District Court. Thus, he cannot show that he was prejudiced by Defense Counsel’s erroneous advice, which primarily pertained to the reduction for Acceptance of Responsibility. Because ineffective assistance does not appear conclusively from the record, his claim is not cognizable on appeal.

Gov. Brief at 8-9.

On February 19, 2021, the Fourth Circuit issued an Unpublished Opinion affirming Mr. Crawford’s conviction and sentence. It suggested that the appropriate avenue for relief, if any, is a petition pursuant to 28 U.S.C. § 2255.

Undersigned counsel has discussed this possibility with Mr. Crawford. He understands his right to file a petition for a writ of certiorari with the U.S. Supreme Court, but chooses, instead, to file a petition pursuant to 28 U.S.C. §2255 and to make a claim of ineffective assistance of counsel.

To be sure, Crawford needs counsel for the purpose of a petition pursuant to 28 U.S.C. § 2255. Crawford is not familiar with the applicable law and procedure. Crawford has a documented history of difficulty learning and a possible diagnosis of ADHD and/or ADD. *See* PSR at paragraphs 141-146. Crawford is indigent. Crawford is incarcerated at USP Allenwood and subject to a modified lock down, which makes it exceedingly difficult to access the law library on a consistent basis.

Having examined the record already, undersigned counsel is very familiar with this case and is willing to assist with the filing of such a petition. Undersigned counsel has handled these petitions in the past and succeeded in reversing a conviction and sentence where, similarly, the defendant did not receive effective assistance in connection with the plea of guilty.

Finally, this Court has the discretion to appoint counsel in connection with a petition filed pursuant to 28 U.S.C. §2255. *See* United States District Court, NDWV, Criminal Justice Act Plan, at p. 4 (2017) available at: https://wvn.fd.org/sites/wvn.fd.org/files/plans_rules/2017%20Amended%20CJA%20Plan%20for%20NDWV.pdf (last accessed February 26, 2021).

WHEREFORE, Mr. Crawford requests the appointment of counsel to assist with his contemplated petition pursuant to 28 U.S.C. § 2255.

Respectfully submitted,

QUIONTE CRAWFORD

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CERTIFICATION OF SERVICE

I hereby certify that on March 2, 2021, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit using the CM/ECF system, which will send notification of such filing to the following CM/ECF user:

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